Not The Best, But Better Than The Rest Essay, Research Paper

“Not the Best, but Better Than the Rest”

“The method of choosing the president proved to be But one of many vexing problems for the fifty-five men who assembled in Philadelphia in May 1887” (Euchner, and Maltese 2). Our forefathers were faced with many hard decisions that would have repercussions for the next two centuries. One of the most perplexing problems facing them was the question of how to elect a president. They had to choose from three main systems: elect the president by congress, the people, or electors. There was much debate over this topic in the constitutional convention until eventually the Electoral College system was chosen to elect our president. The Electoral College system has been in place for over 200 years and most Americans are still not sure how it works or if it is the best system. With the 2000 presidential election it became very clear that most US citizens have little understanding of how our president is chosen. The Electoral College is just barely surviving and is under more and more attack all the time. This paper will discuss the presidential election process, its pros and cons, legal aspects, and propose an idea that would improve our current system so it better reflects the will of the people.

It is generally a generally accepted fact that our forefathers felt the best system of electing the president was to allow congress do it. However, if congress was to elect the president, then the president might feel obliged to help congress pass certain laws by not vetoing them. Not only would this would seriously undermine the system of checks and balances already established by the constitutional convention, but it could also open to flood gates for corruption within the US political system. This was the main reason that the delegates chose not to let congress elect the president.

Most of the attendees of the constitutional convention did not believe in the direct vote system, but three prominent delegates did: James Wilson, Gouverneur Morris, and James Madison (Peirce 41). Most delegates did not think that the American democracy had matured enough to offer a direct vote. Not only was the United States a huge country, but the framers of the constitution felt that there was no way that any candidate could gain national reputation. Furthermore, they felt that the general public was uneducated and easily led astray (Peirce 41). Supporters of direct election argued that after all the president’s job is to guard the people from the legislature; therefore the people should select him. Although eventually rejected, the debate over direct election was helpful in seeing some of the pros and cons of this type of election for future reference. When they had seen the pitfalls of these two systems, a third compromising system evolved, the Electoral System.

This compromising system would have electors that were to represent the peoples popular vote in each state. The Electoral College is defined as the “collective name for the electors who nominally choose the president and vice president of the United States” (Electoral College I, 256). They particularly liked this system because it favored the upper class. The elector system was voted down twice, once because the electors had to be chosen by state legislatures, and the other time because the electors to be chosen by direct vote. Finally it was passed under the system of letting state legislatures decide how to choose the electors (Peirce 44). The next problem that faced the framers was how many electoral votes each state would get. Finally they agreed that the number of votes each state would get would be determined by adding the number of senators and the number of representatives together. This idea clearly gave more power to smaller states, but was necessary to protect their rights. Finally they had chosen a system of electing a president. Winston Churchhill later said, “the Electoral College system is probably the worst possible method of choosing a president-except for all the others” (Glennon 3).

As far as the individual states went, they chose three main routes in deciding electors: the legislative system, where state legislatures choose the electors; a district system, where electors are selected by the people of each congressional district; and the general ticket, or a winner-take-all system, where a popular vote was held in the entire state, and the winner took all electoral votes (Glennon 12). Some people think that the system would work better if all the states were required to use the same method of choosing electors, but the constitution protects the states rights in this case.

The legislative system never gained very much support because of too much bargaining, promises, and payoffs. The district system eventually lost popularity because it encourages third parties, which went against the wishes of the forefathers. This left the general ticket system in the drivers seat. This system turned the electors into 538 of the most powerful people in the country. There are two states that still use the district system, but the remaining 48 states use the general ticket system (”Electoral College I” 256). The voter votes for either the president or the party that they wish to hold office, but this can cause a problem if there is an unfaithful elector. Electors are expected to follow the people’s will by voting for candidates winning the popular election in that state. Electors that do not vote for what they are expected to vote for are considered faithless or unfaithful electors. 26 states do not require electors to vote for whom they have pledged to vote for by state law. The other 24 states require by law that an elector vote based on what they have pledged to vote, and electors in these states can face criminal charges if they do not vote for their party (Glennon 32).

The Electoral College works in basically the same way today. Each state is allocates its number of electors, based on its population and senators. Then, each one is given the option of how they wish to choose these electors. While 48 states have chosen to use the general ticket system, Nebraska and Maine chose to use the district ticket system. In the general ticket system, there is a direct vote election held in each state and the winner of the popular vote is supposed to get all of that states electoral votes. In Maine and Nebraska there is an election held in each congressional district, and the winner of every district gets one electoral vote. The winner of the most districts is awarded the remaining two votes, which are allocated for the states senators. After all of the electoral votes are counted, the candidate with the majority of the electoral votes becomes the president elect. If there is no majority then the election gets thrown into the House of Representatives, where each state is given one vote and they to determine the president. If a candidate gets a majority vote, then he/she becomes president, if not they continue voting until a majority is reached.

Another part of the election process of the president that is often overlooked is the steps a candidate takes before he/she becomes a candidate. First, they must declare their wish to seek a bid from their respective party for that party’s candidacy. Once they have done this, they must go through a series of caucuses and primary elections. There are two types of primaries, open primaries, which allow anyone to vote for who the party’s candidate should be, and closed primaries, which only allow registered members of that party to vote on the candidate. Closed primaries are by far the more common of the two. The person who wins the most votes in the most states wins the candidacy for that party. Originally, high-ranking party officials chose who ran for the party, but today’s system is a lot more democratic.

As I see it there are three problems to the current Electoral College system. First of all, the president can be elected to office even if it is not what the people want. Another problem is that electors are not punished enough for being unfaithful to what they have pledged. And finally the system in place for electing the president if there is no electoral majority reached.

If a candidate wins a bunch of states by a slim margin and loses a few key, large states by a large amount, that candidate can win the majority of the electoral votes, while not winning the majority of the popular votes. One key example of this was the election of 1876, in which Rutherford B. Hayes lost the popular vote, but edged out Samuel Tilden in electoral votes to capture the presidency (Euchner, and Maltese 234). Secondly, less than half of the states in the US have laws that force electors to vote the peoples will. This poses an obvious problem because the whole purpose of the Electoral College is to represent the will of the people. Lastly, it there is not a majority of electoral votes; the president is elected by congress. This undermines the whole election process! The whole reason that our forefathers chose not to allow congress to choose a president is because it causes corruption. There is no doubt in my mind that if it were up to The House to choose a president, its choice would either be based on party lines, or under the counter deals.

It is hard to say whether or not our election process is fair. Our government was created to serve its citizens. It comes down to where you draw the line. Is it more fair to do the peoples will if it is going to harm them, or to act on their behalf to protect them? Personally, I believe that our current election process is in a gray area between fair and unfair. It is fair because it generally reflects what the people want, but at the same time it has also been proven to have its flaws. It allows for elector to go against the will of the people in more than half of the states in The Union, and the Electoral College doesn’t always reflect the views of the people. Even when all electors vote their party, there can still be a discrepancy between the popular vote and the electoral vote.

To further expand this idea, we can ask ourselves whether our electoral process is democratic or not. I suppose you must specify what the word democratic means. If one takes the word in the context of a Pure Democracy, our process is by no means democratic. Unless the people directly elect the president, we will never have a purely democratic election. At the same time, one must look at the form of government we have. It is not a pure democracy it is a republic! Based on this simple fact, I must say the election of our president is not completely democratic, but like our republican form of government, it is a variation of democracy.

Whether you think the process is democratic or undemocratic, fair or unfair, you can never really say for sure if our system provides us with the best candidates or the best presidents. I feel that our current system provides us with the best candidates. The people, most of whom they will represent in the election, directly elect candidates. In earlier times in the US this hasn’t rung true, but thanks to reforms, it now does. As far as the president is concerned, that one is a little more complicated to assess. I think that generally, the Electoral College votes for the best president, but because of laws involving electors, there is always room for mistakes. Also, elections such as the 2000 and 1876 have shown us that the will of the people is often not reflected in the election of a president. I would propose a system that would be more accurate in reflecting the people’s will, without yielding total control of the process to the general public.

The system that I would propose, would be similar to the current Electoral College, with a few improvements that would better reflect the peoples will, but also protect the general population from misinformed voters and those who are easily misled. First of all, I would take the number of electoral votes a state has, minus the votes allocated for its senate members, and divide those votes up based on the percentage of the popular vote each candidate received. I would reward the remaining two votes to the candidate with the majority of the popular vote in that state. This would better represent the will of the people, while still not giving the general population direct control over the election of the president. Secondly, I would make it so that electors were required by law to vote according to the will of the people. Electors could be chosen however a state decided, but the electors are required to vote according to the peoples will. Finally, I would take the responsibility of electing a president if there is a tie away from congress. Instead, I would allow for a three-part system of electing the president in the case of a tie. Similar to a tennis match, whoever wins two out of the three of these matches becomes the president elect. The first match would be determined by the national popular vote. Whoever has the most votes wins the first match. The second match would be to take away each states two extra votes for their senators. Each candidate would receive a point for each state in which he has a majority of the votes. This match would be awarded to whomever won the most states. The last match would be determined by giving every state one vote, whomever gets the most votes wins the final match. At this point, one candidate must have more matches than his opponent. That candidate who wins at least two out of the three matches becomes the president.

I am not even going to pretend to say that this is the answer to all of the United States election problems. I will say however, that it seems to me to be the most logical plan to elect a president. Although there may be some flaws in my plan, with time and revision, I am sure that it would surpass any plan that has been tried in the past. It may not be the best, but it is definantly better than the rest!